(2) provide physical care, emotional support, and education advocacy; and

(3) are the largest single source of families providing permanent homes for children leaving foster care to adoption;

Whereas, compared to children in foster care who are placed with nonrelatives, children in foster care who are placed with relatives have more stability, including fewer changes in placements, have more positive perceptions of their placements, are more likely to be placed with their siblings, and demonstrate fewer behavioral problems;

Whereas some relative caregivers receive less financial assistance and fewer support services than do foster caregivers;

Whereas an increased emphasis on prevention and reunification services is necessary to reduce the number of children that enter or re-enter the foster care system;

Whereas the coronavirus disease 2019 (COVID–19) pandemic has created additional challenges for youth and families in the child welfare system, including delays in permanency, economic hardship, and disruptions in education;

Whereas over 20,000 youth ''aged out'' of foster care in 2019 without a legal permanent connection to an adult or family;

Whereas children who age out of foster care lack the security or support of a biological or adoptive family and frequently struggle to secure affordable housing, obtain health insurance, pursue higher education, and acquire adequate employment;

Whereas foster care is intended to be a temporary placement, but children remain in the foster care system for an average of 19 months;

Whereas, according to the Annie E. Casey Foundation, 35 percent of children in foster care experience more than 2 placements while in foster care, which often leads to disruption of routines and the need to change schools and move away from siblings, extended families, and familiar surroundings;

Whereas youth in foster care are much more likely to face educational instability, with 1 study showing that 75 percent of foster youth experienced an unscheduled school change during a school year, compared to 21 percent of youth not in foster care;

Whereas children entering foster care often confront the widespread misperception that children in foster care are disruptive, unruly, and dangerous, even though placement in foster care is based on the actions of a parent or guardian, not the child;

Whereas 30 percent of children in foster care are taking at least 1 anti-psychotic medication, and 34 percent of those children are not receiving adequate treatment planning or medication monitoring;

Whereas, according to a 2018 study, due to heavy caseloads and limited resources, the average annual turnover rate for child welfare workers is between 14 percent and 22 percent;

Whereas States, localities, and communities should be encouraged to invest resources in preventative and reunification services and postpermanency programs to ensure that more children in foster care are provided with safe, loving, and permanent placements;

Whereas, in 2018, Congress passed the Family First Prevention Services Act (Public Law 115–123; 132 Stat. 232), which provided new investments in prevention and family reunification services to help more families stay together and ensure that more children are in safe, loving, and permanent homes;

Whereas Federal legislation over the 3 decades preceding the date of adoption of this resolution, including the Adoption Assistance and Child Welfare Act of 1980 (Public Law 96–272; 94 Stat. 500), the Adoption and Safe Families Act of 1997 (Public Law 105–89; 111 Stat. 2115), the Fostering Connections to Success and Increasing Adoptions Act of 2008 (Public Law 110–351; 122 Stat. 3949), the Child and Family Services Improvement and Innovation Act (Public Law 112–34; 125 Stat. 369), and the Preventing Sex Trafficking and Strengthening Families Act (Public Law 113–183; 128 Stat. 1919), provided new investments and services to improve the outcomes of children in the foster care system;

Whereas May 2021 is an appropriate month to designate as National Foster Care Month to provide an opportunity to acknowledge the accomplishments of the child welfare workforce, foster parents, the advocacy community, and mentors for their dedication and accomplishments and the positive impact they have on the lives of children; and

Whereas much remains to be done to ensure that all children have a safe, loving, nurturing, and permanent family, regardless of age or special needs: Now, therefore, be it

Resolved, That the Senate—

(1) supports the designation of May 2021 as National Foster Care Month;

(2) recognizes National Foster Care Month as an opportunity to raise awareness about the challenges that children face in the foster care system;

(3) encourages Congress to implement policies to improve the lives of children in the foster care system;

(4) acknowledges the unique needs of children in the foster care system;

(5) recognizes foster youth throughout the United States for their ongoing tenacity, courage, and resilience while facing life challenges;

(6) acknowledges the exceptional alumni of the foster care system who serve as advocates and role models for youth who remain in foster care;

(7) honors the commitment and dedication of the individuals who work tirelessly to provide assistance and services to children in the foster care system;

(8) supports the designation of May 31, 2021, as National Foster Parent Appreciation Day;

(9) recognizes National Foster Parent Appreciation Day as an opportunity—

(A) to recognize the efforts of foster parents to provide safe and loving care for children in need; and

(B) to raise awareness about the increasing need for foster parents to serve in their communities; and

(10) reaffirms the need to continue working to improve the outcomes of all children in the foster care system through parts B and E of title IV of the Social Security Act (42 U.S.C. 601 et seq.) and other programs designed—

(A) to support vulnerable families;

(B) to invest in prevention and reunification services;

(C) to promote adoption in cases where reunification is not in the best interests of the child;

(D) to adequately serve children brought into the foster care system; and

(E) to facilitate the successful transition into adulthood for children that ''age out'' of the foster care system.

AMENDMENTS SUBMITTED AND PROPOSED

SA 1493. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table.

SA 1494. Mr. SASSE submitted an amendment intended to be proposed by him to the bill S. 1260, supra; which was ordered to lie on the table.

SA 1495. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 1260, supra; which was ordered to lie on the table.

SA 1496. Mr. WHITEHOUSE (for Mr. LEE) proposed an amendment to the resolution S. Res. 117, expressing support for the full implementation of the Good Friday Agreement, or the Belfast Agreement, and subsequent agreements and arrangements for implementation to support peace on the island of Ireland.

SA 1497. Mr. WHITEHOUSE (for Mr. LEE) proposed an amendment to the resolution S. Res. 117, supra.

TEXT OF AMENDMENTS

SA 1493. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 3250 and insert the following:

SEC. 3250. ADDRESSING CHINA'S SOVEREIGN LENDING PRACTICES IN LATIN AMERICA AND THE CARIBBEAN.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) since 2005, the Government of the People's Republic of China has expanded sovereign lending to governments in Latin America and the Caribbean, including governments with a history of corruption and mismanagement, with loans that are repaid or collateralized with natural resources or commodities;

(2) several countries in Latin American and the Caribbean that have received a significant amount of sovereign lending from the Government of the People's Republic of China face challenges in repaying such loans;

(3) the Government of the People's Republic of China's predatory economic practices and sovereign lending practices in Latin America and the Caribbean negatively influence United States national interests in the Western Hemisphere;

(4) the Inter-American Development Bank, the premier multilateral development bank dedicated to the Western Hemisphere, can play a significant role supporting the countries of Latin America and the Caribbean in achieving sustainable and serviceable debt structures; and

(5) a tenth general capital increase for the Inter-American Development Bank could enhance the Bank's ability to help the countries of Latin America and the Caribbean achieve sustainable and serviceable debt structures.

(b) SUPPORT FOR A GENERAL CAPITAL INCREASE.—The President should consider supporting a tenth general capital increase for the Inter-American Development Bank if countries holding a majority of the shares in the Bank publicly endorse such a capital increase.

(c) ADDRESSING CHINA'S SOVEREIGN LENDING IN THE AMERICAS.—The Secretary of the Treasury and the United States Executive Director to the Inter-American Development Bank shall use the voice and vote of the United States—

(1) to advance efforts by the Bank to help countries restructure debt resulting from sovereign lending by the Government of the People's Republic of China in order to achieve sustainable and serviceable debt structures; and

(2) to establish appropriate safeguards and transparency and conditionality measures to protect debt-vulnerable member countries of the Inter-American Development Bank that borrow from the Bank for the purposes of restructuring Chinese bilateral debt held by such countries and preventing such countries from incurring subsequent Chinese bilateral debt.

SA 1494. Mr. SASSE submitted an amendment intended to be proposed by him to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. AUTHORIZATION OF APPROPRIATIONS FOR THE DEFENSE ADVANCED RESEARCH PROJECTS AGENCY.

Notwithstanding any other provision of law, there is authorized to be appropriated for the Defense Advanced Research Projects Agency $7,000,000,000 for fiscal year 2021.

SA 1497. Mr. WHITEHOUSE (for Mr. LEE) proposed an amendment to the resolution S. Res. 117, expressing support for the full implementation of the Good Friday Agreement, or the Belfast Agreement, and subsequent agreements and arrangements for implementation to support peace on the island of Ireland; as follows:

Beginning in the ninth whereas clause of the preamble, strike the ''and'' at the end and all that follows through ''Northern Ireland'' in the tenth whereas clause of the preamble, and insert the following:

Whereas the United States Congress stands steadfastly committed to supporting the peaceful resolution of any and all political challenges in Northern Ireland; and

Whereas the United States has a Special Relationship with the United Kingdom, including partnership on trade and economic issues.

SA 1495. Mr. WYDEN submitted an amendment intended to be proposed by him to the bill S. 1260, to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title II of division E, add the following:

SEC. 5214. REQUIREMENT TO CONTROL THE EXPORT OF CERTAIN PERSONAL DATA OF UNITED STATES NATIONALS AND INDIVIDUALS IN THE UNITED STATES.

(a) IN GENERAL.—Part I of the Export Control Reform Act of 2018 (50 U.S.C. 4811 et seq.) is amended by inserting after section 1758 the following:

''SEC. 1758A. REQUIREMENT TO CONTROL THE EXPORT OF CERTAIN PERSONAL DATA OF UNITED STATES NATIONALS AND INDIVIDUALS IN THE UNITED STATES.

''(a) IDENTIFICATION OF CATEGORIES OF PERSONAL DATA.—

''(1) IN GENERAL.—The President shall establish and, in coordination with the Secretary and the heads of the appropriate Federal agencies, lead a regular, ongoing interagency process to identify categories of personal data of covered individuals that could—

''(A) be exploited by foreign governments; and

''(B) if exported in a quantity that exceeds the threshold established under paragraph (3), harm the national security of the United States.

''(2) LIST REQUIRED.—The interagency process established under paragraph (1)—

''(A) shall identify an initial list of categories of personal data under paragraph (1) not later than one year after the date of the enactment of the Protecting Americans' Data From Foreign Surveillance Act of 2021; and

''(B) may, as appropriate thereafter, add categories to, remove categories from, or modify categories on, that list.

''(3) ESTABLISHMENT OF THRESHOLD.—

''(A) IN GENERAL.—Not later than one year after the date of the enactment of the Protecting Americans' Data From Foreign Surveillance Act of 2021, the interagency process established under paragraph (1) shall establish a threshold for the quantity of personal data of covered individuals the export, reexport, or in-country transfer (in the aggregate) of which by one person to or in a restricted country could harm the national security of the United States.

''(B) PARAMETERS.—The threshold established under subparagraph (A) shall be the export, reexport, or in-country transfer (in the aggregate) by one person to or in a restricted country during a calendar year of the personal data of not less than 10,000 covered individuals and not more than 1,000,000 covered individuals.

''(C) CATEGORY THRESHOLDS.—The interagency process may establish a threshold under subparagraph (A) for each category of personal data identified under paragraph (1).

''(D) TREATMENT OF ENTITIES UNDER COMMON OWNERSHIP AS ONE ENTITY.—For purposes of determining whether a threshold established under subparagraph (A) has been met—

''(i) personal data shall be considered to be exported, reexported, or in-country transferred by one person if the personal data is exported, reexported, or in-country transferred by entities under common ownership or control; and

''(ii) the parent entity of such entities shall be liable for export, reexport, or in-country transfer in violation of this section.

''(E) CONSIDERATIONS.—In establishing a threshold under subparagraph (A), the interagency process shall seek to balance the need to protect personal data from exploitation by foreign governments against the likelihood of—

''(i) impacting legitimate business activities and other activities that do not harm the national security of the United States; or

''(ii) chilling speech protected by the First Amendment to the Constitution of the United States.

''(4) DETERMINATION OF PERIOD FOR PROTECTION.—The interagency process established under paragraph (1) shall determine, for each category of personal data identified under that paragraph, the period of time for which encryption technology described in subsection (b)(4)(C) is required to be able to protect that category of data from decryption to prevent the exploitation of the data by a foreign government from harming the national security of the United States.

''(5) PROCESS.—The interagency process established under paragraph (1) shall—

''(A) be informed by multiple sources of information, including—

''(i) publicly available information;

''(ii) classified information, including relevant information provided by the Director of National Intelligence;

''(iii) information relating to reviews and investigations of transactions by the Committee on Foreign Investment in the United States under section 721 of the Defense Production Act of 1950 (50 U.S.C. 4565);

''(iv) the categories of sensitive personal data described in paragraphs (1)(ii) and (2) of section 800.241(a) of title 31, Code of Federal Regulations, as in effect on the day before the date of the enactment of the Protecting Americans' Data From Foreign Surveillance Act of 2021, and any categories of sensitive personal data added to such section after such date of enactment;

''(v) information provided by the advisory committee established pursuant to paragraph (7); and

''(vi) the recommendations (which the President shall request) of—

''(I) privacy experts identified by the National Academy of Sciences; and

''(II) experts on the First Amendment to the Constitution of the United States identified by the American Bar Association; and

''(B) take into account the significant quantity of personal data of covered individuals that has already been stolen or acquired by foreign governments, the harm to United States national security caused by the theft of that personal data, and the potential for further harm to United States national security if that personal data were combined with additional sources of personal data.

''(6) NOTICE AND COMMENT PERIOD.—The President shall provide for a public notice and comment period after the publication in the Federal Register of a proposed rule, and before the publication of a final rule—

''(A) identifying the initial list of categories of personal data under subparagraph (A) of paragraph (2);

''(B) adding categories to, removing categories from, or modifying categories on, that list under subparagraph (B) of that paragraph;

''(C) establishing the threshold under paragraph (3); or

''(D) setting forth the period of time for which encryption technology described in subsection (b)(4)(C) is required under paragraph (4) to be able to protect such a category of data from decryption.

''(7) ADVISORY COMMITTEE.—

''(A) IN GENERAL.—The Secretary shall establish an advisory committee to advise the Secretary with respect to privacy and sensitive personal data.

''(B) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—Subsections (a)(1), (a)(3), and (b) of section 10 and sections 11, 13, and 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the advisory committee established pursuant to subparagraph (A).

''(8) TREATMENT OF ANONYMIZED PERSONAL DATA.—

''(A) IN GENERAL.—The interagency process established under paragraph (1) may not treat anonymized personal data differently than identifiable personal data if the individuals to which the anonymized personal data relates could reasonably be identified using other sources of data.

''(B) GUIDANCE.—The Under Secretary of Commerce for Standards and Technology shall issue guidance to the public with respect to methods for anonymizing data and how to determine if individuals to which the anonymized personal data relates can be reasonably identified using other sources of data.

''(b) COMMERCE CONTROLS.—

''(1) CONTROLS REQUIRED.—

''(A) IN GENERAL.—Beginning 18 months after the date of the enactment of the Protecting Americans' Data From Foreign Surveillance Act of 2021, the Secretary shall impose appropriate controls under the Export Administration Regulations on the export or reexport to, or in-country transfer in, all countries (other than countries on the list required by paragraph (2)(D)) of covered personal data to in a quantity that exceeds the applicable threshold established under subsection (a)(3), including through interim controls (such as by informing a person that a license is required for export), as appropriate, or by publishing additional regulations.

''(2) LEVELS OF CONTROL.—

''(A) IN GENERAL.—Except as provided in subparagraph (C) or (D), the Secretary shall—

''(i) require a license or other authorization for the export, reexport, or in-country transfer of covered personal data in a quantity that exceeds the applicable threshold established under subsection (a)(3);

''(ii) determine whether that export, reexport, or in-country transfer is likely to harm the national security of the United States—

''(I) after consideration of the matters described in subparagraph (B); and

''(II) in coordination with the heads of the appropriate Federal agencies; and

''(iii) if the Secretary determines under clause (ii) that the export, reexport, or in-country transfer is likely to harm the national security of the United States, deny the application for the license or other authorization for the export, reexport, or in-country transfer.

''(B) CONSIDERATIONS.—In determining under clause (ii) of subparagraph (A) whether an export, reexport, or in-country transfer of covered personal data described in clause (i) of that subparagraph is likely to harm the national security of the United States, the Secretary, in coordination with the heads of the appropriate Federal agencies, shall take into account—

''(i) the adequacy and enforcement of data protection, surveillance, and export control laws in the foreign country to which the covered personal data would be exported or reexported, or in which the covered personal data would be transferred, in order to determine whether such laws, and the enforcement of such laws, are sufficient to—

''(I) protect the covered personal data from accidental loss, theft, and unauthorized or unlawful processing;

''(II) ensure that the covered personal data is not exploited for intelligence purposes by foreign governments to the detriment of the national security of the United States; and

''(III) prevent the reexport of the covered personal data to a third country for which a license would be required for such data to be exported directly from the United States;

''(ii) the circumstances under which the government of the foreign country can compel, coerce, or pay a person in or national of that country to disclose the covered personal data; and

''(iii) whether that government has conducted hostile foreign intelligence operations, including information operations, against the United States.

''(C) LICENSE REQUIREMENT AND PRESUMPTION OF DENIAL FOR CERTAIN COUNTRIES.—

''(i) IN GENERAL.—The Secretary shall—

''(I) require a license or other authorization for the export or reexport to, or in-country transfer in, a country on the list required by clause (ii) of covered personal data in a quantity that exceeds the threshold established under subsection (a)(3); and

''(II) deny an application for such a license or other authorization unless the person seeking the license or authorization demonstrates to the satisfaction of the Secretary that the export, reexport, or in-country transfer will not harm the national security of the United States.

''(ii) LIST REQUIRED.—

''(I) IN GENERAL.—Not later than one year after the date of the enactment of the Protecting Americans' Data From Foreign Surveillance Act of 2021, the Secretary shall, in consultation with the heads of the appropriate Federal agencies and based on the considerations described in subparagraph (B), establish a list of each country with respect to which the Secretary determines that the export or reexport to, or in-country transfer in, the country of covered personal data in a quantity that exceeds the applicable threshold established under subsection (a)(3) will be likely to harm the national security of the United States.

''(II) MODIFICATIONS TO LIST.—The Secretary, in consultation with the heads of the appropriate Federal agencies—

''(aa) may add a country to or remove a country from the list required by subclause (I) at any time; and

''(bb) shall review that list not less frequently than every 5 years.

''(D) NO LICENSE REQUIREMENT FOR CERTAIN COUNTRIES.—

''(i) IN GENERAL.—The Secretary may not require a license or other authorization for the export or reexport to, or in-country transfer in, a country on the list required by clause (ii) of covered personal data, without regard to the applicable threshold established under subsection (a)(3).

''(ii) LIST REQUIRED.—

''(I) IN GENERAL.—Not later than one year after the date of the enactment of the Protecting Americans' Data From Foreign Surveillance Act of 2021, the Secretary shall, in consultation with the heads of the appropriate Federal agencies and based on the considerations described in subparagraph (B) and subject to clause (iii), establish a list of each country with respect to which the Secretary determines that the export or reexport to, or in-country transfer in, the country of covered personal data (without regard to any threshold established under subsection (a)(3)) will not harm the national security of the United States.

''(II) MODIFICATIONS TO LIST.—The Secretary, in consultation with the heads of the appropriate Federal agencies—

''(aa) may add a country to or remove a country from the list required by subclause (I) at any time; and

''(bb) shall review that list not less frequently than every 5 years.

''(iii) CONGRESSIONAL REVIEW.—

''(I) IN GENERAL.—The list required by clause (ii) and any updates to that list adding or removing countries shall take effect, for purposes of clause (i), on the date that is 180 days after the Secretary submits to the appropriate congressional committees a proposal for the list or update unless there is enacted into law, before that date, a joint resolution of disapproval pursuant to subclause (II).

''(II) JOINT RESOLUTION OF DISAPPROVAL.—

''(aa) JOINT RESOLUTION OF DISAPPROVAL DEFINED.—In this clause, the term 'joint resolution of disapproval' means a joint resolution the matter after the resolving clause of which is as follows: 'That Congress does not approve of the proposal of the Secretary with respect to the list required by section 1758A(b)(2)(D)(ii) submitted to Congress on _____.', with the blank space being filled with the appropriate date.

''(bb) PROCEDURES.—The procedures set forth in paragraphs (4)(C), (5), (6), and (7) of section 2523(d) of title 18, United States Code, apply with respect to a joint resolution of disapproval under this clause to the same extent and in the same manner as such procedures apply to a joint resolution of disapproval under such section 2523(d), except that paragraph (6) of such section shall be applied and administered by substituting 'the Committee on Banking, Housing, and Urban Affairs' for 'the Committee on the Judiciary' each place it appears.

''(III) RULES OF HOUSE OF REPRESENTATIVES AND SENATE.—This clause is enacted by Congress—

''(aa) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such is deemed a part of the rules of each House, respectively, and supersedes other rules only to the extent that it is inconsistent with such rules; and

''(bb) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

''(3) REVIEW OF LICENSE APPLICATIONS.—

''(A) IN GENERAL.—The Secretary shall establish—

''(i) an interagency process, in which the appropriate Federal agencies participate, to conduct review of applications for a license or other authorization for the export or reexport to, or in-country transfer in, a restricted country of covered personal data in a quantity that exceeds the applicable threshold established under subsection (a)(3); and

''(ii) procedures for conducting the review of such applications.

''(B) DISCLOSURES RELATING TO COLLABORATIVE ARRANGEMENTS.—In the case of an application for a license or other authorization for an export, reexport, or in-country transfer described in subparagraph (A)(i) submitted by or on behalf of a joint venture, joint development agreement, or similar collaborative arrangement, the Secretary may require the applicant to identify, in addition to any foreign person participating in the arrangement, any foreign person with significant ownership interest in a foreign person participating in the arrangement.

''(4) EXCEPTIONS.—The Secretary shall not impose under paragraph (1) a requirement for a license or other authorization with respect to the export, reexport, or in-country transfer of covered personal data pursuant to any of the following transactions:

''(A) The export, reexport, or in-country transfer by an individual of the individual's own personal data.

''(B) The export, reexport, or in-country transfer of the personal data of one or more individuals by a person performing a service for those individuals if the export, reexport, or in-country transfer of the personal data is strictly necessary (as defined by the Secretary in regulations) to perform that service.

''(C) The export, reexport, or in-country transfer of personal data that is encrypted if—

''(i) the encryption key or other information necessary to decrypt the data is not exported, reexported, or transferred; and

''(ii) the encryption technology used to protect the data against decryption is certified by the National Institute of Standards and Technology as capable of protecting data for the period of time determined under subsection (a)(4) to be sufficient to prevent the exploitation of the data by a foreign government from harming the national security of the United States.

''(D) The export, reexport, or in-country transfer of personal data that is ordered by an appropriate court of the United States.

''(c) REQUIREMENTS FOR IDENTIFICATION OF CATEGORIES AND DETERMINATION OF APPROPRIATE CONTROLS.—In identifying categories of personal data under subsection (a)(1) and imposing appropriate controls under subsection (b), the interagency process established under subsection (a)(1) or the Secretary, as appropriate—

''(1) may not regulate or restrict the publication or sharing of—

''(A) personal data that is a matter of public record, such as a court record or other government record that is generally available to the public, including information about an individual made public by that individual or by the news media;

''(B) information about a matter of public interest; or

''(C) consistent with the goal of protecting the national security of the United States, any other information the publication of which is protected by the First Amendment to the Constitution of the United States; and

''(2) shall consult with the appropriate congressional committees.

''(d) PENALTIES.—

''(1) LIABLE PERSONS.—

''(A) IN GENERAL.—In addition to any person that commits an unlawful act described in subsection (a) of section 1760, an officer or employee of an organization has committed an unlawful act subject to penalties under that section if the officer or employee knew or should have known that another employee of the organization who reports, directly or indirectly, to the officer or employee was directed to export, reexport, or in-country transfer covered personal data in violation of this section.

''(B) EXCEPTIONS AND CLARIFICATIONS.—

''(i) INTERMEDIARIES NOT LIABLE.—An intermediate consignee (as defined in section 772.1 of the Export Administration Regulations (or any successor regulation)) or other intermediary is not liable for the export, reexport, or in-country transfer of covered personal data in violation of this section when acting as an intermediate consignee or other intermediary for another person.

''(ii) SPECIAL RULE FOR CERTAIN APPLICATIONS.—In a case in which an application installed on an electronic device transmits or causes the transmission of covered personal data without the knowledge of the owner or user of the device who installed the application, the developer of the application, and not the owner or user of the device, is liable for any violation of this section.

''(2) CRIMINAL PENALTIES.—In determining an appropriate term of imprisonment under section 1760(b)(2) for a violation of this section, the court shall consider—

''(A) how many covered individuals had their covered personal data exported, reexported, or in-country transferred in violation of this section; and

''(B) any harm that resulted from the violation.

''(3) PRIVATE RIGHT OF ACTION.—

''(A) IN GENERAL.—An individual may bring a civil action in an appropriate district court of the United States if, as a result of an export, reexport, or in-country transfer of covered personal data in violation of this section, the individual is—

''(i) physically harmed; or

''(ii) detained or imprisoned in a foreign country.

''(B) RELIEF.—A court may award a prevailing plaintiff in a civil action under subparagraph (A) appropriate relief, including actual damages, punitive damages, or attorney's fees.

''(e) REPORT TO CONGRESS.—

''(1) IN GENERAL.—Not less frequently than annually, the Secretary, in coordination with the heads of the appropriate Federal agencies, shall submit to the appropriate congressional committees a report on the results of actions taken pursuant to this section.

''(2) INCLUSIONS.—Each report required by paragraph (1) shall include a description of the determinations made under subsection (b)(2)(A)(ii) during the preceding year.

''(3) FORM.—Each report required by paragraph (1) shall be submitted in unclassified form but may include a classified annex.

''(f) DISCLOSURE OF CERTAIN LICENSE INFORMATION.—Not less frequently than every 90 days, the Secretary shall publish on a publicly accessible website of the Department of Commerce, including in a machine-readable format, the following information, with respect to each application for a license for the export or reexport to, or in-country transfer in, a restricted country of covered personal data in a quantity that exceeds the applicable threshold established under subsection (a)(3):

''(1) The name of the applicant.

''(2) The date of the application.

''(3) The name of the foreign party to which the applicant sought to export, reexport, or transfer the data.

''(4) The categories of covered personal data the applicant sought to export, reexport, or transfer.

''(5) The number of covered individuals whose information the applicant sought to export, reexport, or transfer.

''(6) Whether the application was approved or denied.

''(g) NEWS MEDIA PROTECTIONS.—A person that is engaged in journalism is not subject to restrictions imposed under this section to the extent that those restrictions directly infringe on the journalism practices of that person.

''(h) CITIZENSHIP DETERMINATIONS BY ENTITIES PROVIDING SERVICES TO END-USERS NOT REQUIRED.—This section does not require a person that provides products or services to an individual to determine the citizenship or immigration status of the individual, but once the person becomes aware that the individual is a covered individual, the person shall treat covered personal data of that individual as is required by this section.

''(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary and to the head of each agency participating in the interagency process established under subsection (a) such sums as may be necessary to carry out this section, including to hire additional employees with expertise in privacy.

''(j) DEFINITIONS.—In this section:

''(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means—

''(A) the Committee on Banking, Housing, and Urban Affairs, the Committee on Foreign Relations, the Committee on Finance, and the Select Committee on Intelligence of the Senate; and

''(B) the Committee on Foreign Affairs, the Committee on Financial Services, the Committee on Ways and Means, and the Permanent Select Committee on Intelligence of the House of Representatives.

''(2) APPROPRIATE FEDERAL AGENCIES.—The term 'appropriate Federal agencies' means the following:

''(A) The Department of Defense.

''(B) The Department of State.

''(C) The Department of Justice.

''(D) The Department of the Treasury.

''(E) The Office of the Director of National Intelligence.

''(F) The Cybersecurity and Infrastructure Security Agency.

''(G) The Consumer Financial Protection Bureau.

''(H) The Federal Trade Commission.

''(I) The Federal Communications Commission.

''(J) The Department of Health and Human Services.

''(K) Such other Federal agencies as the President or the Secretary considers appropriate.

''(3) COVERED INDIVIDUAL.—The term 'covered individual', with respect to personal data, means an individual who, at the time the data is acquired—

''(A) is located in the United States; or

''(B) is—

''(i) located outside the United States or whose location cannot be determined; and

''(ii) a citizen of the United States or a noncitizen lawfully admitted for permanent residence.

''(4) COVERED PERSONAL DATA.—The term 'covered personal data' means the categories of personal data of covered individuals identified pursuant to the interagency process under subsection (a).

''(5) EXPORT.—

''(A) IN GENERAL.—The term 'export', with respect to covered personal data, includes—

''(i) subject to subparagraph (D), the shipment or transmission of the data out of the United States, including the sending or taking of the data out of the United States, in any manner, if the shipment or transmission is intentional, without regard to whether the shipment or transmission was intended to go out of the United States; or

''(ii) the release or transfer of the data to any noncitizen (other than a noncitizen described in subparagraph (C)), if the release or transfer is intentional, without regard to whether the release or transfer was intended to be to a noncitizen.

''(B) EXCEPTIONS.—The term 'export' does not include—

''(i) the publication of covered personal data on the internet in a manner that makes the data accessible to any member of the general public; or

''(ii) any activity protected by the speech or debate clause of the Constitution of the United States.

''(C) NONCITIZENS DESCRIBED.—A noncitizen described in this subparagraph is a noncitizen—

''(i) who is lawfully admitted for permanent residence;

''(ii) to whom the Secretary of Homeland Security has issued an employment authorization document (Form I–766);

''(iii) who has been granted deferred action pursuant to the memorandum of the Department of Homeland Security entitled 'Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children' issued on June 15, 2012; or

''(iv) who is present in the United States pursuant to a valid, unexpired E–3, H–1B, H–1B1, H–1B2, J–1, L–1, O–1A, or TN–1 visa.

''(D) UNINTENTIONAL TRANSMISSIONS.—

''(i) IN GENERAL.—On and after the date that is 5 years after the date of the enactment of the Protecting Americans' Data From Foreign Surveillance Act of 2021, and

except as provided in clause (iii), the term 'export' includes the transmission of data through a restricted country, without regard to whether the person originating the transmission had knowledge of or control over the path of the transmission.

''(ii) EXCEPTIONS.—Clause (i) does not apply with respect to a transmission of data through a restricted country if—

''(I) the data is encrypted as described in subsection (b)(4)(C); or

''(II) the person that originated the transmission received a representation from the party delivering the data for the person stating that the data will not transit through a restricted country.

''(iii) FALSE REPRESENTATIONS.—If a party delivering covered personal data as described in clause (ii)(II) transmits the data through a restricted country despite making the representation described in clause (ii)(II), that party shall be liable for violating this section.

''(6) LAWFULLY ADMITTED FOR PERMANENT RESIDENCE; NATIONAL.—The terms 'lawfully admitted for permanent residence' and 'national' have the meanings given those terms in section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)).

''(7) NONCITIZEN.—The term 'noncitizen' means an individual who is not a citizen or national of the United States.

''(8) RESTRICTED COUNTRY.—The term 'restricted country' means a country for which a license or other authorization is required under subsection (b) for the export or reexport to, or in-country transfer in, that country of covered personal data in a quantity that exceeds the applicable threshold established under subsection (a)(3).''.

(b) STATEMENT OF POLICY.—Section 1752 of the Export Control Reform Act of 2018 (50 U.S.C. 4811) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking ''; and'' and inserting a semicolon;

(B) in subparagraph (B), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(C) to restrict the export of personal data of United States citizens and other covered individuals (as defined in section 1758A(e)) in a quantity and a manner that could harm the national security of the United States.''; and

(2) in paragraph (2), by adding at the end the following:

''(H) To prevent the exploitation of personal data of United States citizens and other covered individuals (as defined in section 1758A(e)) in a quantity and a manner that could harm the national security of the United States.''.

(c) OTHER AMENDMENTS TO EXPORT CONTROL REFORM ACT OF 2018.—The Export Control Reform Act of 2018 (50 U.S.C. 4801 et seq.) is amended—

(1) in section 1742(13)(A) (50 U.S.C. 4801(13)(A)), in the matter preceding clause (i), by inserting ''(except section 1758A)'' after ''part I''; and

(2) in section 1754(b) (50 U.S.C. 4813(b)), by inserting ''(other than section 1758A)'' after ''this part''.

SA 1496. Mr. WHITEHOUSE (for Mr. LEE) proposed an amendment to the resolution S. Res. 117, expressing support for the full implementation of the Good Friday Agreement, or the Belfast Agreement, and subsequent agreements and arrangements for implementation to support peace on the island of Ireland; as follows:

On page 8, strike lines 19 through 25 and insert the following:

(9) greatly values the close relationships the United States shares with both the United Kingdom and the Republic of Ireland; and

(10) will take into account, as relevant, conditions requiring that obligations under the Good Friday Agreement be met as the United States seeks to negotiate a mutually advantageous and comprehensive trade agreement between the United States and the United Kingdom.

AUTHORITY FOR COMMITTEES TO MEET

Mr. WHITEHOUSE. Mr. President, I have a request for one committee to meet during today's session of the Senate. It has the approval of the Majority and Minority leaders.

Pursuant to rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committee is authorized to meet during today's session of the Senate:

COMMITTEE ON FOREIGN RELATIONS

The Committee on Foreign Relations is authorized to meet during the session of the Senate on Monday, May 17, 2021, at 6 p.m., to conduct a closed hearing.

TIMELY REAUTHORIZATION OF NECESSARY STEM-CELL PROGRAMS LENDS ACCESS TO NEEDED THERAPIES ACT OF 2021

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be discharged from further consideration of H.R. 941 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. The clerk will report the bill by title.

The senior assistant legislative clerk read as follows:

A bill (H.R. 941) to reauthorize the Stem Cell Therapeutic and Research Act of 2005, and for other purposes.

There being no objection, the committee was discharged, and the Senate proceeded to consider the bill.

Mr. WHITEHOUSE. I ask unanimous consent that the bill be considered read for a third time.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill was ordered to a third reading and was read the third time.

Mr. WHITEHOUSE. I know of no further debate on the bill.

The PRESIDING OFFICER. Is there further debate?

The bill having been read the third time, the question is, Shall the bill pass?

The bill (H.R. 941) was passed.

Mr. WHITEHOUSE. I ask unanimous consent that the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXPRESSING SUPPORT FOR THE FULL IMPLEMENTATION OF THE GOOD FRIDAY AGREEMENT, OR THE BELFAST AGREEMENT, AND SUBSEQUENT AGREEMENTS AND ARRANGEMENTS FOR IMPLEMENTATION TO SUPPORT PEACE ON THE ISLAND OF IRELAND

Mr. WHITEHOUSE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 20, S. Res. 117.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 117) expressing support for the full implementation of the Good Friday Agreement, or the Belfast Agreement, and subsequent agreements and arrangements for implementation to support peace on the island of Ireland.

There being no objection, the Senate proceeded to consider the resolution, which had been reported from the Committee on Foreign Relations with an amendment to strike all after the resolving clause and insert the part printed in italic, and with an amendment to strike the preamble and insert the part printed in italic, as follows:

Whereas, on April 10, 1998, the Government of Ireland and the Government of the United Kingdom signed the Good Friday Agreement, also known as the ''Belfast Agreement'';

Whereas the goals of the Good Friday Agreement were to bring a new era of devolved government and democracy to Northern Ireland, end violence, and ensure peace for the people of the island of Ireland;

Whereas the successful negotiation of the Good Friday Agreement stands as a historic and groundbreaking success that has proven critical to the decades of relative peace that have followed;

Whereas the return to power sharing in 2020 after the collapse of power-sharing institutions in 2017 creates new opportunities for strengthening peace and reconciliation in Northern Ireland;

Whereas the agreement between the United Kingdom and the European Union on the withdrawal of the United Kingdom from the European Union, and the protocol to that agreement on Northern Ireland preserving an open border on the island of Ireland (in this preamble referred to as the ''Northern Ireland Protocol''), are intended to protect the peace forged under the Good Friday Agreement;

Whereas, despite the historic progress of the Good Friday Agreement and subsequent agreements, including the Stormont House Agreement agreed to in December 2014, important issues remain unresolved in Northern Ireland, including the passage of a Bill of Rights, securing justice for all victims of violence, including violence by state and non-state actors, and reducing sectarian divisions and promoting reconciliation;

Whereas section 6 of the Good Friday Agreement (''Rights, Safeguards and Equality of Opportunity'') recognizes ''the importance of respect, understanding and tolerance in relation to linguistic diversity'' as part of ''the cultural wealth of the island of Ireland'' and declares the Government of the United Kingdom will seek ways to encourage the use of and education in the Irish language and provide opportunities for Irish language arts;

Whereas the reintroduction of barriers, checkpoints, or personnel on the island of Ireland, also known as a ''hard border'', including through the invocation of Article 16 of the